<u>AFFIDAVIT OF SERVICE BY MAIL</u>

STATE OF NEW YORK)
ss.:
COUNTY OF NEW YORK)

RUTH A. TIERNEY, being duly sworn, deposes and says: that deponent is not a party to the action, is over 18 years of age and resides at Queens, N.Y.

That on the 2nd day of November, 2007, deponent served the within AFFIDAVIT & DEFENDANTS' MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFFS' MOTION TO REMAND upon:

HON. RICHARD J. SULLIVAN UNITED STATES DISTRCIT COURT SOUTHERN DISTRICT OF NEW YORK 500 PEARL STREET, ROOM 615 NEW YORK, N.Y. 10007

STEPHEN J. RIEGEL WEITZ & LUXENBERG, P.C. Attorneys for Plaintiffs 180 Maiden Lane, 17th Fl. New York, N.Y. 10038

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N/K/A BAYERCROP SCIENCE, INC.
CERTAINTEED CORP. AND UNION CARBIDE CORP.
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HERZFELD & RUBIN, P.C. Attorneys for VOLKSWAGEN OF AMERICA, INC. 40 Wall Street, 54th Floor New York, N.Y. 10005 LAVIN, O'NEILL, RICCI, FINARELLI & GRAY Attorneys for INTERNATIONAL TRUCK AND ENGINE CORP. 420 Lexington Avenue, Suite 2900 Graybar Building New York, N.Y. 10170

at the address designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a postpaid, properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office within the State of New York.

RUTH A. TIERNEY

Sworn to before me this 2 day of November, 2007.

Notary Public

Merline Kelly
Notary Public, State of New York
No. 01KE5068190
Qualified in Queens County
Commission Expires October 28, 2010